

THE COURTS

Title 255—LOCAL COURT RULES

PIKE COUNTY

Amendment to Local Rule; Criminal Rule 117; No. 336-2012-Civil; No. 23-2012-MD

Order

And Now, this 13th day of February, 2012, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 117 is hereby amended effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File one (1) certified copy of this *Order* and the pertinent Rule with the Criminal Procedural Committee;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

d. Publish the Amended rule to the Pennsylvania Unified Judicial System's Webportal;

e. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

f. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments; and Setting and Accepting Bail.

(A) Each Magisterial District Court shall be open for regular business Monday through Friday, excluding holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(B) Magisterial District Judges shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for issuance of warrants and the issuance of emergency orders under the Protection from Abuse Act.

This rule shall be satisfied by the Magisterial District Justice remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

(C) Each Magisterial District Court during regular business hours, and the Clerk of Courts during business hours, are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure. The Pike County Correctional Facility

is authorized to accept bail 24 hours a day in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedures.

(D) A Magisterial District Justice assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:

(1) For arrests occurring after the close of regular business hours but before 8:00 p.m., and for arrests occurring on weekends or holidays between 8:00 a.m. and 8:00 p.m. the Magisterial District Judge shall respond to the call and conduct a preliminary arraignment prior to detention at the Pike County Correctional Facility.

(2) Arrests occurring after 8:00 p.m. but before 8:00 a.m. shall be subject to the following rules:

a. For all cases requiring District Attorney approval for filing of the Complaint as provided for in Local Criminal Rule 507, the Magisterial District Justice shall respond to the call by conducting a preliminary arraignment prior to detention at the Pike County Correctional Facility;

b. For cases requiring preliminary arraignment but not set forth in paragraph D(2)(a), the arresting agency, including the state police, municipal police, sheriff or constable is authorized to detain the prisoner at the Pike County Correctional Facility until 8:00 a.m. the following morning. For Defendants so detained, the On-Duty Magisterial District Justice shall appear in person or by video conferencing at the Pike County Correctional Facility at 8:00 a.m. to preside at the Preliminary Arraignment;

c. Detention authorized by this Rule is applicable to arrests on warrants from this Judicial District (Pa.R.CR.P. 516), arrests on warrants from outside this Judicial District (Pa.R.CR.P. 517) and arrests without a warrant (Pa.R.CR.P. 519) provided that for a warrantless arrest a defendant shall be released rather than detained if:

1. The most serious offense charged is a Misdemeanor of the Second Degree or a Misdemeanor of the First Degree in cases arising under 75 Pa.C.S. § 3802, and

2. The Defendant poses no threat of immediate physical harm to any other person or to himself or herself, and

3. The Arresting Officer has reasonable grounds to believe the defendant will appear as required.

d. Prior to detaining a prisoner at the Pike County Correctional Facility under this Rule, the arresting agency shall notify the facility to arrange for temporary detention in accordance with this Rule.

e. The arresting agency detaining the Defendant shall provide to the Pike County Correctional Facility and the Magisterial District Justice the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, and when available, a copy of the Defendant's criminal record and any recommendation regarding bail for the Defendant, by depositing the same at the Pike County Correc-

tional Facility and faxing copies to the Magisterial District Court Office. The arresting agency shall promptly notify the Magisterial District Justice of the detention so the Magisterial District Justice is aware of the need for a Preliminary Arraignment the next morning.

f. The arresting officer or officers need not appear at the Preliminary Arraignment provided the documents identified in paragraph 4(d) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of the criminal record or bail recommendation forms. However, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause which shall be delivered to the Pike County Correctional Facility at the time of detention for use by the Magisterial District Justice.

g. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties of the on-duty Magisterial District Justice during the hours of 8:00 p.m. to 8:00 a.m.

(3) The Pike County Correctional Facility is directed to identify a detention area for prisoners so detained in accordance with the Standard Operat-

ing Procedures of the Pike County Correctional Facility for temporary detention of individuals at the Facility.

(4) The Pike County Correctional Facility is directed to make available to the on-duty Magisterial District Justice appropriate space or video conferencing availability between the hours of 8:00 a.m. and 9:00 a.m. to perform the Preliminary Arraignment at the Facility.

(5) Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Justice at the Preliminary Arraignment.

(6) If the Preliminary Arraignment is done by video conferencing, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Justice to the Facility, and the originals mailed to the facility on the next regular business day. If the Preliminary Arraignment is done in person at the Correctional Facility, original documents shall be provided to the Facility at the time of the Preliminary Arraignment.

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